

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Friday, September 17, 2021

Hearing Room 1675

9:00 AM

2:00-00000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602129175>

ZoomGov meeting number: 160 212 9175

Password: 241015

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at:

**United States Bankruptcy Court
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9:00 AM

CONT...

Chapter

<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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Friday, September 17, 2021

Hearing Room 1675

9:00 AM

2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01351 Mover v. Jaurigui

#1.00 CONT'D TRIAL RE: Complaint for nondischargeability under 11 U.S.C. §§523(a)(2)(A), 523(a)(2)(B), 523(a)(6); and objection to discharge under §§727(a)(2), 727(a)(4)
fr. 8/19/21, 8/20/21, 9/2/21, 9/3/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 9/7/21. No tentative ruling on the merits. Appearances are required on 9/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial

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Central District of California
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Friday, September 17, 2021

Hearing Room 1675

9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

declarations first, and then defendant will file his witness trial declarations and any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the

**United States Bankruptcy Court
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Los Angeles
Judge Robert Kwan, Presiding
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Friday, September 17, 2021

Hearing Room 1675

9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

parties. Factors to consider will be the length of the trial, public health factors in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Pro Se

Plaintiff(s):

Jonathan Mover

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01351 Mover v. Jaurigui

#2.00 Cont'd hearing re: Defendant Philip Jaurigui's motion to strike supplemental trial declaration of Jonathan Mover
fr. 9/2/21, 9/3/21

Docket 88

Tentative Ruling:

No updated tentative ruling as of 9/7/21. Appearances are required on 9/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Plaintiff(s):

Jonathan Mover

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:16-24760 Philip Joseph Jaurigui

Chapter 7

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

#3.00 CONT'D TRIAL RE: Complaint by Swing House Rehearsal and Recording, Inc. against Philip Joseph Jaurigui for nondischargeability under 11 U.S.C. §§523(A)(4) and 523(a)(6); and objection to discharge under §727(a)(4) fr. 8/19/21, 8/20/21, 9/2/21, 9/3/21

Docket 1

Tentative Ruling:

Updated tentative ruling as of 9/7/21. No tentative ruling on the merits. Appearances are required on 9/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 4/12/21 at 5:00 p.m. The court notes that on 4/12/21, plaintiffs filed a motion to exclude defendant's witnesses noticed for hearing on 5/4/21 at 2:30 p.m. The ruling on the motion may well affect the time estimate to try the case, and most likely, a further pretrial conference should be set for after the hearing on the motion. The court expects to preliminarily discuss the concerns raised in the court's revised tentative ruling at the pretrial conference on 4/13/21. The court makes the further observation that the statements of issues of fact and law in the proposed joint pretrial order are hard to follow and are not organized by claim or defense, which is unlike the complaint and the answer, and is considering asking the parties to rewrite the statements of issues based on the claims and defenses in the complaint and the answer, setting forth the elements of such claims and defenses and the alleged facts in support thereof.

Prior tentative ruling as of 4/12/21. The court has reviewed the proposed joint pretrial order. Regarding witness testimony, the parties will be ordered to submit the direct testimony of their nonadverse, cooperative witnesses by declaration, and need to discuss scheduling deadlines for filing and serving those. The court will require that the parties file any objections to such direct testimony before trial. Ordinarily, plaintiffs will file their witness trial declarations first, and then defendant will file his witness trial declarations and

**United States Bankruptcy Court
Central District of California
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Judge Robert Kwan, Presiding
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Friday, September 17, 2021

Hearing Room 1675

9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

any objections to plaintiffs' witness trial declarations, and finally, plaintiffs will file any objections to defendant's witness trial declarations. A party's failure to file trial declarations of nonadverse, cooperative witnesses will result in exclusion of such witnesses at trial. Regarding scheduling of witnesses, each side should be mindful of efficiency in use of trial time, and must make sure that witnesses are available when they are supposed to be called, and failure to have witnesses available may result in the exclusion of such witnesses or the court deeming that the side has rested their case. The court will also require the parties to submit a written time estimate of the amount of time needed to examine the witnesses identified on the witness lists in the proposed joint pretrial order. Regarding trial exhibits, the parties must have exchanged all trial exhibits with each other and have prepared for the court an original exhibit register for the court clerk and original set of exhibits with official court exhibit tags marked P-1, etc. for Plaintiffs' exhibits and D-1, etc., for Defendant's exhibits. A hard copy set of exhibits must be submitted to the judge as a bench copy. The court notes that no objections were interposed to the exhibits listed in the proposed joint pretrial order. Should the court assume that the exhibits are not objected to and all can be received into evidence? However, deposition transcripts identified as exhibits must be submitted and marked in accordance with LBR 7030-1, otherwise, such exhibits will not be received. Regarding trial briefs and/or opening statements, the parties should discuss between themselves if they are filing trial briefs and/or wish to make opening statements. Regarding closing argument, the parties should discuss between themselves if they are filing post-trial briefs and/or wish to make closing arguments. In any event, after trial, the parties are required to lodge proposed findings of fact and conclusions of law that set forth all elements of the claims and defenses that they assert with supporting evidence. Given the complexity of this case, to assist the court with its obligations under FRBP 7052, the court will order that the parties order the transcripts of the trial proceedings and split the costs, although the prevailing party may be awarded such costs. Given the court's General Order 21-04, entered on 4/8/21, the federal courthouses in this judicial district will be opening for in person hearings as early as 4/19/21, but it is up to the discretion of the individual judge as to whether a particular hearing can be safely conducted in person or order it be held remotely. The decision to conduct the trial in person or remotely will be in consultation of the parties. Factors to consider will be the length of the trial, public health factors

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1675 Calendar**

Friday, September 17, 2021

Hearing Room 1675

9:00 AM

CONT...

Philip Joseph Jaurigui

Chapter 7

in the community (i.e., transmission and vaccination rates), and the preferences and concerns of the parties, and adequate public health safeguards, such as masking and sanitation requirements, building and room occupancy limitations. Most likely, a further pretrial conference will have to be scheduled to fully address all of these concerns.

Appearances are required on 4/13/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Pro Se

Plaintiff(s):

Swing House Rehearsal and

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se

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Chapter 7

Adv#: 2:18-01352 Swing House Rehearsal and Recording, Inc. v. Jaurigui

#4.00 Cont'd hearing re: Defendant Philip Jaurigui's motion to strike supplemental trial declaration of Jonathan Mover
fr. 9/2/21, 9/3/21

Docket 87

Tentative Ruling:

No updated tentative ruling as of 9/7/21. Appearances are required on 9/17/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Defendant(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

Plaintiff(s):

Swing House Rehearsal and

Represented By
Steven R Fox

Trustee(s):

Jason M Rund (TR)

Pro Se